BEST COPY
AVAILABLE

MT LEGISLATIVE HISTORY

Chapter 713 19 85

Bill (H) 798 S _____ Original bill & hist. ___C

H. Committee on Human Services & Aging		S. Committee on Public Health, Welfare & Safety	
Hearing Date(s) Feb 20	✓C	Hearing Date(s) Mar 20	✓C
Feb 22	✓C	Mar 27	✓C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out Feb 22	✓C	Mar 27	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

(To be kept current -- post bills when entering being heard or leaving committee.) Form CS-3

STATUS SHEET

49TH LEGISLATIVE SESSION

COMMITTEE ON HUMAN SERVICES AND AGING

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB 777	2/11	2/18	2/18			2/18			
HB 783	2/11	2/20	2/20			2/20			
HB 798	2/12	2/22	2/22			2/22			
HB 805	2/12	2/20	TABLED						
HB 821	2/14	2/22	TABLED						
HB 854	2/19	2/22	TABLED						
HB 856	2/16	2/22	TABLED						
HB 872	2/18	2/22	TABLED						
HB 881	2/19	2/22	TABLED						
HB 903	2/20	2/22	TABLED						
HB 907	2/20	3/15			3/15				
HJ 6	1/07	1/11	1/11	1/11					
HJ 11	1/23	2/1	2/1	2/1					
HJ 16	1/26	2/13	2/13	2/13					
HJ 19	2/1	2/4	2/4	2/4					
HB 22	2/8	3/6	3/6	3/6					

Use a separate sheet for Senate House Bills

There being no further discussion on House Bill No. 821, the hearing was closed.

HOUSE BILL NO. 798: Hearing commenced on House Bill No. 798. Representative Joan Miles, District #45, sponsor of the bill said that an act to authorize the Department of Social and Rehabilitation Services to operate community programs for physically disabled persons; to authorize the Department to license community homes for the physically disabled; and to provide for standards for programs, administration, health, and safety for such services and community homes was needed.

Proponent Walter Donaldson, representing the Montana Department of Social and Rehabilitation Services supplied amendments which had been proposed by the Department. Representative Kurt Krueger spoke as an attorney of cases which he had handled and their outcome. James W. Duffy spoke of a son's injury and the propsects of this bill being enacted. Kelly Moore mentioned that there were a number of patients at Warm Springs State Hospital who had received head injuries in various types of accidents, who were now unable to live in a regular type of society setting and were placed in the State hospital for care. Dawn DeWolf, representing the Helena Industries Association stated that several applicants had to be refused services by the Program because they were ineligible in that they had received their injuries in accidents and other types of cases and had not been born with such incapacities. H.S. Hanson, representing the Montana Technical Commission states that he was neither pro nor con on this matter. Steve Davis, representing the Occupational Therapists Association stated his support of this bill. Boyd Peterson, Montana State University indicated his support. Representative Bud Gould stated his support. Written testimony was then supplied by Rena J. Wheeler of the STEP Region II. There were no further proponents and opponents present. Representative Miles was then excused by the Chair.

Representative Simon questioned the funding of such a program.

There being no further discussion on House Bill No. 798, the hearing was closed.

HOUSE BILL NO. 805: Hearing commenced on House Bill No. 805. Representative Bergene, District #41, sponsor of the bill stated that an act requiring that the portion of the appropriation for fiscal years 1986 and 1987 for home care for aging persons be used to fund projects designed to meet the mental health needs of aging persons was needed.

VISITORS' REGISTER

HUMAN SERVICES AND AGING COMMITTEE

BILL NO. HB 798 DATE 2/20/85

SPONSOR

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
DAN ANTONIETTI	SELF	X	
JAMES W. DUFFY	SELF	X	
Boyd Peterson	MSU	X	
W.R. DONALDSON	DSRS	X	
[illegible]	[illegible]	X	
H.S. Hanson	MTC	Amend.	
Steve Doig	Diabetes Coalition	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EXHIBIT 2
February 20, 1985

SPECIAL TRAINING FOR EXCEPTIONAL PEOPLE

1739 GRAND AVENUE/BILLINGS, MONTANA 59102
PHONE 406-248-5420

EXECUTIVE DIRECTOR
Rena J. Wheeler
PRESIDENT OF THE BOARD
Katharin A. Kelker
VICE PRESIDENT
Gene Wade
SECRETARY-TREASURER
Tom Hannah
MEMBERS
Doug Cochran-Roberts
Robert B. Jam, Jr.
Ann E. Wilcox
Dan Petersen
Lynn Klaber
Jim Halter
Greg Todd

STEP REGION III

February 15, 1985

Rep. Nancy Keenan
Capitol Station
Helena, MT 59624

Dear Rep. Keenan:

I am writing to urge the support of the Human Services Committee for HB 798 sponsored by Rep Joan Miles. This bill provides enabling legislation for the development of services to a poulation of disabled adults who have previously been ineligible for any services through the State of Montana. It would permit the physically disable to have residential options other than nursing homes. I am also urging that the administration of this program be though the Rehabilitative Services Division of SRS.

Enclosed is a letter to the chair of the Joint Appropriations Subcommittee on Human Services which examined the proposed budget for these services. The purpose of this letter was to express my strong feelings regarding the need for services to disabled individuals who do not qualify for services as being developmentally disabled. Please give your positive consideration to this legislation and the necessary appropriation to implement services.

Sincerely,

Rena J. Wheeler

Rena J. Wheeler
Director

cc Rep. Joan Miles

tative Montayne was then excused by the Chair.

There being no further discussion on House Bill No. 856, the hearing was closed.

HOUSE BILL NO. 872: Hearing commenced on House Bill No. 872. Representative Keenan, District #66, sponsor of the bill said that an act to require the Department of Institutions to limit the patient population at the Montana State Hospital in Warm Springs to the number of patients provided for in the appropriation for that fiscal year; allowing the Department to restrict voluntary admissions; prescribing requirements for the preparation and consideration of the Department's budget request.

Proponent Kelly Morse of the Montana Board of Visitors indicated her support of this legislation. Curt Chisholm, representing the Montana Department of Institutions said that there is no way to determine the population of the hospital.

There were no further proponents and opponents present. Representative Keenan stated in her closing that something needed to be done on this situation at the hospital.

Representative Waldron asked how the population of the hospital could be determined in 1986. Representative Gould questioned the voluntary commitment process.

There being no further discussion on House Bill No. 872, Vice-Chairman Gould closed the hearing.

EXECUTIVE SESSION

ACTION ON HOUSE BILL NO. 798: Representative Darko made a motion which was seconded by Representative Campbell to do pass House Bill No. 798. Representative Waldron made a motion on the passage of the amendments which was seconded by Representative Darko. A motion was then made by Representative Darko which was seconded by Representative Waldron to DO PASS AS AMENDED WITH STATEMENT OF INTENT on House Bill No. 798. A vote was taken with Representatives Wallin, Gilbert Simon, Bradley, Phillips, Hayne and Campbell voting no.

ACTION ON HOUSE BILL NO. 571: A motion was made by Representative Darko, seconded by Representative Waldron to do pass House Bill No. 571. Representative Waldron made

STANDING COMMITTEE REPORT

February 22 19 77

MR. Speaker

We, your committee on Human Services and Aging

having had under consideration House Bill No. 708

first reading copy (White color)

Physically disabled - SRS authorized to provide services - community homes

Respectfully report as follows: That House Bill No. 708

BE AMENDED AS FOLLOWS:

1. Title, line 10.
Following: ";"
Strike: "AND"

2. Title, line 12.
Following: "MCA"
Insert: "; AND AMENDING SECTION 50-5-101, MCA"

3. Page 2, line 3.
Following: "persons"
Insert: "that does not provide skilled or intermediate nursing care. This definition does not preclude the provision of skilled or intermediate nursing care by third-party providers"

DO PASS

Chairman.

STATE PUB. CO.
Helena, Mont.

February 22 1993

4. Page 2, lines 18 and 19.
Following: "physician"
Strike: "or appropriate specialist"

5. Page 5, lines 7 and 8.
Following: "standards"
Strike: "and certification"

6. Page 5, line 13.
Following: "shall"
Strike: "certify"
Insert: "inspect"

7. Page 5, line 14.
Strike: "certification"
Insert: "inspection"

8. Page 5, lines 17 and 18.
Following: "the"
Strike: "determination of certification"
Insert: "inspection to assure compliance with the standards"

9. Page 5, line 20.
Strike: "whenever"
Insert: "whether"

10. Page 5, lines 21 and 22.
Following: "home"
Strike: "has been so certified or refused such certification"
Insert: "is or is not in compliance with applicable standards"

11. Page 5, line 23.
Following: "by"
Strike: "local"

12. Page 5, line 24.
Strike: "officers for"
Insert: "authorities conducting"
Following: "compliance"
Strike: "certifications"
Insert: "inspections"

13. Page 6.
Following: line 24.
Insert: "Section 9. Section 50-5-101, MCA, is amended to read:

"50-5-101. Definitions. As used in parts 1 through 4 of this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(continued)

Chairman.

STATE PUB. CO.
Helena, Mont.

February 22 19 85

(1) "Accred itation" means a designation of approval.

(2) "Adult day-care center" means a facility, freestanding or connected to another health care facility, which provides adults, on an intermittent basis, with the care necessary to meet the needs of daily living.

(3) "Affected persons" means the applicant, members of the public who are to be served by the proposal, health care facilities located in the geographic area affected by the application, agencies which establish rates for health care facilities, third-party payers who reimburse health care facilities in the area affected by the proposal, and agencies which plan or assist in planning for such facilities, including any agency qualifying as a health systems agency pursuant to Title XV of the Public Health Service Act.

(4) "Ambulatory surgical facility" means a facility, not part of a hospital, which provides surgical treatment to patients not requiring hospitalization. This type of facility may include observation beds for patient recovery from surgery or other treatment.

(5) "Batch" means those letters of intent and applications of a specified category and within a specified region of the state, as established by department rule, that are accumulated during a single batching period.

(6) "Batching period" means a period, not exceeding 1 month, established by department rule during which letters of intent for specified categories of new institutional health services and for specified regions of the state may be accumulated pending further processing of all letters of intent within the batch.

(7) "Board" means the board of health and environmental sciences, provided for in 2-15-2104.

(8) "Capital expenditure" means an expenditure made by or on behalf of a health care facility that, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance.

(9) "Certificate of need" means a written authorization by the department for a person to proceed with a proposal subject to 50-5-301.

(10) "Challenge period" means a period, not exceeding 1 month, established by department rule during which any person may apply for comparative review with an applicant whose letter of intent has been received during the preceding batching period.

(11) "Clinical laboratory" means a facility for the microbiological, serological, chemical, hematological, radiobioassay, cytological, immunohematological, histological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or assessment of a medical condition.

Chairman.

February 23 1995

(12) "College of American pathologists" means the organization nationally recognized by that name with headquarters in Traverse City, Michigan, that surveys clinical laboratories upon their requests and accredits clinical laboratories that it finds meet its standards and requirements.

(13) "Comparative review" means a joint review of two or more certificate of need applications within a given batch which are determined by the department to be competitive in that the granting of a certificate of need to one of the applicants would substantially prejudice the department's review of the other applications.

(14) "Construction" means the physical erection of a health care facility and any stage thereof, including ground breaking, or remodeling, replacement, or renovation of an existing health care facility.

(15) "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21.

(16) "Federal acts" means federal statutes for the construction of health care facilities.

(17) "Governmental unit" means the state, a state agency, a county, municipality, or political subdivision of the state, or an agency of a political subdivision.

(18) "Health care facility" or "facility" means any institution, building, or agency or portion thereof, private or public, excluding federal facilities, whether organized for profit or not, used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any person or persons. The term does not include offices of private physicians or dentists. The term includes but is not limited to ambulatory surgical facilities, health maintenance organizations, home health agencies, hospices, hospitals, infirmaries, kidney treatment centers, long-term care facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, and adult day-care centers.

(19) "Health maintenance organization" means a public or private organization organized as defined in 42 U.S.C. 300e, as amended.

(20) "Health systems agency" means an entity which is organized and operated in the manner described in 42 U.S.C. 300l-2 and which is capable, as determined by the secretary of the United States department of health and human services, of performing each of the functions described in 42 U.S.C. 300l-3.

(21) "Home health agency" means a public agency or private organization or subdivision thereof which is engaged in providing home health services to individuals in the places where they live. Home health services must include the services of a licensed registered nurse and at least one other therapeutic service and may include additional support services.

Amendments

Chairman.

STATE PUB. CO.
Helena, Mont.

January 29 19 85

(21) "Hospice" means a coordinated program of home and inpatient health care that provides or coordinates palliative and supportive care to meet the needs of a terminally ill patient and his family arising out of physical, psychological, spiritual, social, and economic stresses experienced during the final stages of illness and dying and that includes formal bereavement programs as an essential component.

(22) "Hospital" means a facility providing, by or under the supervision of licensed physicians, services for medical diagnosis, treatment, rehabilitation, and care of injured, disabled, or sick persons. Services provided may or may not include obstetrical care, emergency care, or any other service as allowed by state licensing authority. A hospital has an organized medical staff which is on call and available within 20 minutes, 24 hours per day, 7 days per week, and provides 24-hour nursing care by licensed registered nurses. This term includes hospitals specializing in providing health services for psychiatric, mentally retarded, and tubercular patients.

(24) "Infirmary" means a facility located in a university, college, government institution, or industry for the treatment of the sick or injured, with the following subdefinitions:

(a) an "infirmary--A" provides outpatient and inpatient care;

(b) an "infirmary--B" provides outpatient care only.

(25) "Joint commission on accreditation of hospitals" means the organization nationally recognized by that name with headquarters in Chicago, Illinois, that surveys health care facilities upon their requests and grants accreditation status to any health care facility that it finds meets its standards and requirements.

(26) "Kidney treatment center" means a facility which specializes in treatment of kidney disease, including freestanding hemodialysis units.

(27) (a) "Long-term care facility" means a facility or part thereof which provides skilled nursing care, intermediate nursing care, or intermediate developmental disability care to a total of two or more persons or personal care to more than four persons who are not related to the owner or administrator by blood or marriage. The term does not include adult foster care licensed under 53-5-303, community homes for the developmentally disabled licensed under 53-20-305, community homes for physically disabled persons licensed under section 6, boarding or foster homes for children licensed under 41-3-503, youth, mental, chemical dependency, or similar proprietary institutions providing for transients, students, or persons not requiring institutional health care, or juvenile and adult correctional facilities operating under the authority of the department of institutions.

(b) "Skilled nursing care" means the provision of nursing care services, health-related services, and social services under the supervision of a licensed registered nurse on a 24-hour basis.

(continued)

Chairman.

STATE PUB. CO.
Helena, Mont.

February 22 19 77

(c) "Intermediate nursing care" means the provision of nursing care services, health-related services, and social services under the supervision of a licensed nurse to patients not requiring 24-hour nursing care.

(d) "Intermediate developmental disability care" means the provision of nursing care services, health-related services, and social services for the developmentally disabled, as defined in 53-20-102(4), or persons with related problems.

(e) "Personal care" means the provision of services and care which do not require nursing skills to residents needing some assistance in performing the activities of daily living.

(29) "Major medical equipment" means a single unit of medical equipment or a single system of components with related functions which is used to provide medical or other health services.

(29) "Mental health center" means a facility providing services for the prevention or diagnosis of mental illness, the care and treatment of mentally ill patients or the rehabilitation of such persons, or any combination of these services.

(30) "Nonprofit health care facility" means a health care facility owned or operated by one or more nonprofit corporations or associations.

(31) "Observation bed" means a bed occupied for not more than 6 hours by a patient recovering from surgery or other treatment.

(32) "Offer" means the holding out by a health care facility that it can provide specific health services.

(33) "Outpatient facility" means a facility, located in or apart from a hospital, providing, under the direction of a licensed physician, either diagnosis or treatment, or both, to ambulatory patients in need of medical, surgical, or mental care. An outpatient facility may have observation beds.

(34) "Patient" means an individual obtaining services, including skilled nursing care, from a health care facility.

(35) "Person" means any individual, firm, partnership, association, organization, agency, institution, corporation, trust, estate, or governmental unit, whether organized for profit or not.

(36) "Public health center" means a publicly owned facility providing health services, including laboratories, clinics, and administrative offices.

(37) "Rehabilitation facility" means a facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons by providing comprehensive medical evaluations and services, psychological and social services, or vocational evaluation and training or any combination of these services and in which the main portion of the services is furnished within the facility.

(38) "Resident" means a person who is in a long-term care facility for intermediate or personal care.

(39) "State health plan" means the plan prepared by the department pursuant to 42 U.S.C. 300m-3(a)(2)."

Amendments

Chairman.

STATE PUB. CO.
Helena, Mont.

February 22 1995

14. Insert: "NEW SECTION. before sections 1 through 9 located at:
Page 1, line 15
Page 1, line 25
Page 2, line 10
Page 3, line 7
Page 3, line 13
Page 3, line 22
Page 4, line 3
Page 5, line 7

AND AS AMENDED,
DO PASS
STANDING BY SPECIAL ORDER

Chairman

STATE PUB. CO.
Helena, Mont.

49th Legislature LC 1294

STATEMENT OF INTENT

HOUSE BILL NO. 793

The department of social and rehabilitation services currently does not have authority to either operate special programs for physically disabled individuals or license group homes on their behalf. House Bill No. 793 [LC 1294] would grant such authority.

It is intended that this bill would address some of the more necessary needs of severely disabled persons who:

(1) have a permanent impairment of a physical nature that is diagnosed as such by a physician and substantially limits a major life activity, such as walking, self-care, seeing, hearing, or speaking;

(2) do not meet the state definition for developmental disability;

(3) do not meet the eligibility criteria of vocational rehabilitation; and

(4) do not qualify for medicaid waiver services.

These people represent a wide variety of disability groups, such as people with head or spinal cord injuries, people with a debilitating disease (multiple sclerosis, amyotrophic lateral

CONTINUED

Chairman

STATE PUB. CO.
Helena, Mont.

sclerosis, muscular dystrophy, myasthenia gravis, cancer, etc.), multiply disabled people, etc. An effort is currently underway to identify such severely physically disabled individuals in addition to the 426 known people that were considered too severe for vocational rehabilitation services in 1984. The fastest growing segment of this group is the head injured.

Services to this group are the exception rather than the rule and traditionally have been medical maintenance types of assistance from medicaid, medicare, or medical assistance.

Rules adopted by the department would have to address the problem of personalized service needs of these individuals which usually do not fit an existing structured service model. Based upon some experience with this group, it is presumed that the following types of services would be necessary:

(1) teaching individuals how to better manage their own personal care and thereby reducing the medicaid costs;

(2) instructing people in the use of transit systems to reduce the need for therapy and to increase mobility.

The residential or in-home services for the physically disabled population include but are not limited to:

(1) personal assistance (learning and supervising attendants);

(2) mobility (exploring transportation modes, evaluation of devices needed for ambulation);

-9-

CONTINUED

Chairman.

STATE PUB. CO.
Helena, Mont.

(3) home management (adaptive techniques or equipment to facilitate independent housekeeping);

(4) problem solving (problem identification and methods of solution);

(5) equipment (identification of assistive equipment needs; selection, operation, care, and maintenance);

(6) sexuality (sexuality and disability, dating, role expectations); and

(7) other services the department considers appropriate.

In addition to such programmatic rules, it is intended that the department adopt rules for licensing of community homes and in cooperation with other agencies adopt rules to ensure that such homes provide necessary services for the well-being of the individuals in the homes and that their surroundings are safe and healthful. It is intended that the rules providing for such standards recognize the needs of the individual, the resources of home operators, and the goals of this legislation.

Chairman.

STATE PUB. CO.
Helena, Mont.

REP. KEENAN

CHAIRMAN--JACOBSON, JUDY
SECRETARY-GRAVELEY, ELAINE
NORMAL SCHEDULE==> SITE: ROOM 410 DAYS: M-W-F TIME: 12:30-2:30 P.M.

--BILL NO---	REFER DATE---	HEARING DATE---	CONSIDERATION DATES----------	COMMITTEE ACTION----------	REREFERRED TO COMM----	DATE OUT-
HB0720	3/04	3/13	3/18 3/27	CONCUR AS AMENDED		3-27
BROWN, JAN			ESTALISHING A LONG-TERM CARE OMBUDSMAN			
HB0729	3/04	3/08		CONCUR		3-8
SCHULTZ, JAMES M.			ROLE OF, ADMISSION TO, AND DISCHARGE FROM MONTANA CENTER FOR THE AGED			
HB0730	2/22	3/18	3/23	CONCUR		3-23
COHEN, BENJAMIN R. (BEN)			REQUIRES THAT 5% OF CERTAIN FED. FUNDS BE SPENT FOR HOME WEATHERIZATION			
HB0737	3/04	3/13	3/16	CONCUR AS AMENDED		3-15
BERGENE, TONI R.			ADULT PROTECTIVE SERVICE TEAMS TO ASSIST OLDER PERSONS			
HB0738	3/04	3/08	3/13 3/20	CONCUR		3-20
ADDY, KELLY			GENERALLY REVISE MEDICAL LEGAL PANEL ACT			
HB0743	3/04	3/08	3/15 3/18	CONCUR AS AMENDED		3-18
MILLER, RON			SUBROGATION RIGHTS OF SRS - 3RD PARTY LIABILITY FOR MEDICAL BENEFITS			
HB0748	3/04	3/13		CONCUR		3-13
KITSELMAN, LES			ELIGIBILITY FOR STATE SERVICES TO DEVELOPMENTALLY DISABLED PERSONS			
HB0758	3/04	3/20	3/23 3/27	ADVERSE REPORT		3-27
WINSLOW, CAL			REQUIRE SCREENING COMMITTEES TO REVIEW CHILD PLACEMENT IN A CARE FACILITY			
HB0766	3/06	3/22	3/25 3/27 3/28	CONCUR AS AMENDED	FINANCE & CLAIMS	3-28
REAM, BOB			REMEDIAL ACTION FUND TO ALLEVIATE OR PREVENT WATER CONTAMINATION			
HB0783	3/04	3/11	3/27	ADVERSE REPORT		3-27
MILES, JOAN			MONTANA LONG-TERM CARE RESIDENTS' BILL OF RIGHTS ACT			
HB0798	3/05	3/20	3/27	ADVERSE REPORT		3-27
MILES, JOAN			PHYSICALLY DISABLED - SRS AUTHORIZED TO PROVIDE SERVICES - COMMUNITY HOMES			

ential treatment.

Mike Flemming, a probation officer from Livingston, stood in opposition to the bill. Time is very critical when placing youths, and he felt that this bill would add to the time involved.

Dave Lanning, a probation officer from Havre, stood in opposition to the bill. He stated that the probation officers held a meeting, are in complete opposition to the bill.

With no further opponents, the chairman opened the meeting to a question and answer period from the Committee.

Senator Himsl asked if this bill would have any fiscal impact. There is none connected to this bill.

Senator Himsl asked how many disturbed youth are in custody in Warm Springs. There are 27 in Warm Springs and 39 out of the state at the present time.

Senator Towe asked the sponsor to respond to the proposed amendments. Representative Winslow stated that he felt the amendments would be acceptable.

Senator Stephens stated that if appears that this bill would add a time delay for the placement of the youth.

Senator Newman asked if local people would be involved with this process. Yes, they would be involved.

Representative Winslow closed. He stated that he could understand the feelings of the probation officers. This bill would attempt to make sure appropriate placement takes place. There are emergency placement programs available. He stated that he would appreciate the Committee concurring on this bill.

CONSIDERATION OF HOUSE BILL 798: Representative Joan Miles of House District 45 in Helena, the chief sponsor of HB 798, gave a brief resume of the bill. This bill is an act to authorize the Department of Social and Rehabilitation Services to operate community programs for physically disabled persons; to authorize the Department to license community homes for the physicially disabled, to provide for standards for programs, administration, health, and safety for such services and community homes.

Representative Miles stated that this is enabling legislation. It would allow the department to operate special programs for physicially disabled individuals or license group homes on their behalf. There are seperate funding issues for this bill which are in Appropriations Committee.

This bill is intended to take care of the more necessary needs of severly disabled people who have a permanent impairment of a physical nature and do not meet the eligibility criteria of vocational rehabilitation and do not qualify for Medicad services.

Maggie Bullock, representing the Department of Social and Rehabilitation Services, stood in support of the bill. She stated that these people represent a wide variety of disabilities such as spinal cord injuries caused from an accident, multiple sclerosis, muscular dystrophy and many other diseases or injuries. This bill will take care of a known 426 people at the present time. Sone of these people cannot remember from day to day what they should do.

Laura Cook, representing the Big Bear Resources in Missoula, stood in support of the bill. She stated that many people which need this service have received head injuries from a variety of accidents. This would affect people over the age of 18 years. Their living would be improved by group homes or learning how to take care of themselves properly at home.

Dawn DeWolf, representing the Priorities for People, stood in support of the bill. She stated that there is a real need for this bill. She asked the Committee to think about what might happen to these people without the bill. These people need to learn to take care of themselves in our society. This bill would establish a mechanism for services.

With no further proponents, the chairman called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Hager asked how many people would be served by this program. It is unknown at the present time how many people may use the program. However, 400-500 people are eligible at the present time.

Senator Towe asked if there is state funding in this bill. The funding level would be determined by the legislative appropraitions process. The level requested in the budget is $438,000 from the general fund and $100,000 in federal money.

Senator Hager stated that he felt that the group homes should be better neighbors and take care of their property better. Many times the group homes are run down.

Representative Miles closed. She stated that the people are not getting the programs that they need. She asked the Committee to give the bill favorable consideraton.

ACTION ON HOUSE BILL 738: This bill which was introduced by Representative Kelly Addy is an act revising the Montana Medical Legal Panel Act.

Senator Himsl stated that there is no control in this act. A legislative audit has been requested for the Montana Medical Legal Panel after July of 1986. Then it would be ready for the 1987 Legislature and they would have the current data.

Senator Jacobson stated that she had talked with many people from the medical profession and they would agree with Senator Himsl that a legislative audit would be in order.

Senator Himsl stated that this would be a program audit.

A motion was made by Senator Towe that HB 738 BE CONCURRED IN. Motion carried.

Senator Jacobson will carry this bill on the floor of the Senate.

ANNOUNCEMENTS: The next meeting of the Senate Public Health Committee will be held on Friday, March 22, 1985 at 12:30 in Room 410 of the State Capitol to consider HB 235, 676, 472, and 766.

ADJOURN: With no further business the meeting was adjourned.

eg

Judy Jacobson
SENATOR JUDY JACOBSON, CHAIRMAN

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3/20/85

SENATE SEAT #	NAME	PRESENT	ABSENT	EXCUSED
6	SENATOR JUDY JACOBSON, CHAIRMAN	✓		
5	SENATOR J. D. LYNCH, V.CHAIRMAN	late		
42	SENATOR TOM HAGER	✓		
30	SENATOR MATT HIMSL	✓		
17	SENATOR TED NEWMAN	late		
45	SENATOR BILL NORMAN	✓		
14	SENATOR STAN STEPHENS	✓		
26	SENATOR TOM TOWE	✓		

Each day attach to minutes.

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
[illegible]	Mt. Federal OSA'g			
[illegible]	Big Sky Mental Health		✓	
Brian Fox	Mt. Medical Assn			
Gerald T. Neely	Montana Medical Legislative Assn		✓	
Margaret McCall	SRS	798	✓	
Nancy Nowell	Helena Industries		✓	
[illegible]	Mont. Child & Family Services Council		✓	
John Madsen	SRS	665 686	✓	
[illegible]	CFO 13th Dist	758		✓
[illegible]	PO 13th Dist	758		✓
[illegible]	9th Ct. Prob. Dept.	758		✓
Ken Carr	CSD	758		
Les Taylor	MMIA			
[illegible]	MMIA			
[illegible]	MMIA			
[illegible]	MMIA			
[illegible]	Montana Inc. Related Con	686		
[illegible]				
[illegible]	MMIA			
[illegible]	"			
[illegible]	"			
[illegible]	"			
[illegible]	"			
[illegible]	"			
[illegible]	"			
[illegible]	"			

(Please leave prepared statement with Secretary)

NAME: Maggie Bullock DATE: 3-20-85

ADDRESS: 111 Sanders

PHONE: 444-3434

REPRESENTING WHOM? SRS

APPEARING ON WHICH PROPOSAL: HB 798

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Laura Cork DATE: 3/20/85

ADDRESS: 500 East Alder, Missoula Mt

PHONE: 728-0471

REPRESENTING WHOM? Big Bear Resources

APPEARING ON WHICH PROPOSAL: HB 798

DO YOU: SUPPORT? V AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Senator Stephens stated that there is an ad hoc committee which already does this and, therefore, the bill is not necessary. This bill would just delay matters and be a further duplication of what is already being done.

A motion was made by Senator Stephens that HB 758 BE NOT CONCURRED IN. Motion carried with all present voting "yes" with the exception of Senator Jacobson, who voted "no".

Senator Stephens will carry this bill on the floor of the Senate.

ACTION ON HOUSE BILL 686: House Bill 686, introduced by Representative Nancy Keenan of Anaconda, is an act to generally revise the procedures relating to the filing and conduct of child abuse, neglect, or dependency proceedings.

Karen explained the proposed amendments.

Senator Jacobson stated that this is a good bill and she would prefer it without the amendments.

A motion was made by Senator Newman that the proposed amendments to HB 686 be adopted. Motion carried.

A motion was made by Senator Newman that HB 686 BE CONCURRED IN AS AMENDED. Motion carried.

Senator Jacobson will carry this bill on the floor of the Senate.

ACTION ON HOUSE BILL 798: House Bill 758 introduced by Representative Joan Miles of Helena is an act to authorize the Department of Social and Rehabilitation Services to operate community programs for physically disabled persons; to authorize the Department to license community homes for the disabled; to provide for standards for programs, administration, health, and safety for such services and community homes.

Senator Jacobson stated that the money has been removed from the budget for this, however, the federal money will still come through.

Senator Norman asked if there is anything in the bill that mentions just the federal money.

Senator Jacobson stated that this bill covers very necessary programs.

Senator Himsl stated that he does not feel that they should start any new programs.

A motion was made by Senator Norman that HB 798 BE NOT CONCURRED IN. Motion carried with all present voting "yes" with the exception of Senators Newman and Jacobson, who voted "no".

Senator Stephens will carry this bill on the floor of the Senate.

Senator Towe arrived.

ACTION ON HOUSE BILL 766: House Bill 766 introduced by Representative Bob Ream of Missoula is an act authorizing the Department of Health and Environmental Sciences to take remedial action to prevent or alleviate release of hazardous or deleterious substances into the environment; establishing a special fund for remedial action; providing for funding of the special fund. and providing effective dates.

Karen explained the amendments which had been adopted earlier by the Committee.

Senator Towe addressed Section 6 of the bill, deaing with reimbursement and penalties, the proceedings and the defenses.

Senator Jacobson stated that this bill would establish a special fund and authorize the Department of Health and Environmental Sciences to use that money for the purpose of taking emergency, remedial action in cases of release of hazardous or deleterious substances into the environment.

A motion was made by Senator Lynch that HB 766 be concurred in as amended.

A substitute motion was made by Senator Towe that that bill be amended further on Page 2, lines 4 through 8. See attachments. Motion carried. Senator Lynch voted "no".

A motion was made by Senator Towe to amend the bill on page 2, line 3. Motion failed.

A motion was made by Senator Lynch that HB 766 BE CONCURRED IN AS AMENDED. Motion failed on a tie vote. Those voting "no" were: Senators Stephens, Himsl, Hager and Norman. Those voting "yes" were: Senators Jacobson, Lynch, Towe and Newman.

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 3/27/85

SENATE SEAT #	NAME	PRESENT	ABSENT	EXCUSED
6	SENATOR JUDY JACOBSON, CHAIRMAN	✓		
5	SENATOR J. D. LYNCH, V.CHAIRMAN	✓		
42	SENATOR TOM HAGER	✓		
30	SENATOR MATT HIMSL	✓		
17	SENATOR TED NEWMAN	✓		
45	SENATOR BILL NORMAN	✓		
14	SENATOR STAN STEPHENS	✓		
26	SENATOR TOM TOWE	late		

Each day attach to minutes.

STANDING COMMITTEE REPORT

March 27 19 85

MR. PRESIDENT

We, your committee on Public Health, Welfare and Safety

having had under consideration House Bill No. 798

third reading copy (blue color)

PHYSICALLY DISABLED - SRS AUTHORIZED TO PROVIDE SERVICES - COMMUNITY ZONES

MILES (STEPHENS)

Respectfully report as follows: That House Bill No. 798

~~DO PASS~~ BE NOT CONCURRED IN

~~DO NOT PASS~~

SENATOR JUDY JACOBSON, Chairman.